

In re Application of: Oren GLOBERMAN
Serial No.: 10/517,938
Filed: August 9, 2005
Office Action Mailing Date: July 26, 2010

Examiner: Kevin Thao TRUONG
Group Art Unit: 3734
Attorney Docket: **38309**
Confirmation No.: 3765

REMARKS

Reconsideration of the above-identified Application in view of the foregoing amendments and the following remarks is respectfully requested.

Claim Status

Claims 1, 2, 4, 5, 7-9, 13-20, 22, 38 and 76-78, 77, and 81-90 are presently pending in this Application. New claims 83-90 that are directly or indirectly dependent on claim 1 have been added.

Claims 3, 6, 76, and 79 are cancelled hereby. Claims 10, 11, 12, 21, and 39-75 were previously canceled. Claims 2, 4, 5, 7-9, 17, 23-38 and 82 have been withdrawn from consideration as non-elected.

Claims 1, 13, 18, 19, 22, 77-78, 81 and 83-89 are accordingly presented for further examination.

Claims 1, and 77 been amended. The amendments to claim 1 are intended to better highlight some differences relative to the prior art newly cited by the Examiner.

No new matter has been introduced by the amendments or the new claims.

Regarding the Requirement for Restriction

The Examiner's reconsideration of the Requirement for Restriction, and withdrawal of the requirement as to claims 14-16 and 20 are noted with appreciation.

Regarding the 35 U.S.C. 102 Rejection:

Claims 1, 13-16, 18-20, 22, 77, 78, and 81 stand rejected under 35 U.S.C. §102(b) as anticipated by Lashinski et al. U.S. patent 6,071,285 (Lashinski), and also as anticipated by Solar et al. U.S. patent 6,780,199 (Solar). Applicant respectfully traverses and requests reconsideration of these rejections.

Independent claim 1, as amended, and from which all the other rejected claims depend, recites the following:

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A balloon catheter, comprising:

an elongate body adapted for insertion into a blood vessel;

a balloon attached to a distal end of said body; said balloon *having a proximal end and a distal end, and including a longitudinal fold on its outer surface* ;

a guide-channel adapted to carry at least a guide-wire located within said fold; and,

a first port in said guide-channel for said guide wire at one end of said balloon; and

a second port in said guide channel for said guide wire *located intermediate the proximal and distal ends of said balloon.*

While the fold in Lashinski's balloon 50 provides an optional guide channel for guide wire 10, and the fold in Solar's balloon 64 provides a guide channel for guide wire 9, (at least in the embodiment of Figs. 11 and 12), in both instances, the guide wires enter the folds at the proximal ends of the balloon and exit at the distal ends. There is no disclosure, teaching, or suggestion of a balloon which includes a second port for guide wire *located intermediate the proximal and distal ends of the balloon.*

For the foregoing reason, it is respectfully submitted that claim 1 is not anticipated by Lashinski or Solar, and that the rejections should be withdrawn.

Claims 13-16, 18-20, 22, 77, 78, and 81 are dependent on claim 1, as noted above, and are therefore patentable over Lashinski or Solar, for the same reasons as claim 1. In addition, these claims recite features which, in combination with the features recited in claim 1 are not anticipated by anything disclosed, taught or suggested in Lashinski or Solar, either considered alone or in combination.

New claim 83 recites that "...an entry port for said guide wire into said guide channel is located at the proximal end of said balloon".

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New claim 84 recites that "...an entry port for said guide wire into said guide channel is located at the distal end of said balloon, and an exit port for said guide wire from said guide channel is located intermediate the proximal and distal ends of said balloon".

New claim 85 recites that "...an entry port for said guide wire into said guide channel is located intermediate the proximal and distal ends of said balloon, and an exit port for said guide wire from said guide channel is located at the proximal or the distal end of said balloon.

New claim 86 recites that "...the second port is located approximately equidistant the proximal and distal ends of said balloon.

New claim 87 recites that the catheter further includes "...a second guide wire".

New claim 88 recites that the "...second guide wire is located in said guide-channel".

New claim 89 recites that "...said second guide wire exits said guide-channel through said second port".

New claim 90 recites that "... said second port is oriented so that said wire passes therethrough in a non-axial direction.

These claims are dependent on claim 1, and are allowable for the same reasons. Further, claim 84-85, which recite which of the first and second ports serve as entry and exit ports for the guide wire, and claim 86 recites a specific location for the intermediate port. Since neither Lashinski nor Solar has an intermediate port, and accordingly no location for the intermediate port, these claims are allowable for this reason as well.

Claims 87-89 are directed to a second guide wire. Claim 89 also specified where the second guide wire exits the guide channel. A second guide wire is not disclosed, taught or suggested in either Lashinski or Solar. Claims 87 and 88 are allowable for this additional reason.

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Claim 90 is directed to the orientation of the second, intermediate port. Since neither reference discloses, teaches, or suggests an intermediate port, claim 90, as well as claim 88 are allowable for this additional reason.

Finally, because allowable claims 1, 18 and 19 are generic, the withdrawn non-elected claims should also be allowed.

A prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,

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